



General Assembly

Substitute Bill No. 1148

January Session, 2003

AN ACT CONCERNING OUTPATIENT SURGICAL FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2003*) (a) As used in this section,
2 subsection (a) of section 19a-490 of the general statutes, as amended by
3 this act, and section 19a-495 of the general statutes, as amended by this
4 act, "outpatient surgical facility" means any entity, individual, firm,
5 partnership, corporation, limited liability company or association,
6 other than a hospital, engaged in providing surgical services for
7 human health conditions that include the use of moderate or deep
8 sedation or analgesia or general anesthesia, as such levels of anesthesia
9 are defined from time to time by the American Society of
10 Anesthesiologists, or by such other professional or accrediting entity as
11 recognized by the Department of Public Health.

12 (b) No entity, individual, firm, partnership, corporation, limited
13 liability company or association, other than a hospital, shall
14 individually or jointly establish, conduct, operate or maintain an
15 outpatient surgical facility in this state without obtaining a license
16 from the Department of Public Health for such facility pursuant to the
17 provisions of chapter 368v of the general statutes, and complying with
18 such sections of chapter 368z of the general statutes as the
19 Commissioner of Health Care Access shall require by regulations
20 adopted pursuant to subsection (e) of this section, except that a
21 certificate of need application shall not be required for (1) facilities in

22 operation on or before July 1, 2003, or (2) an entity, individual, firm,
 23 partnership, corporation, limited liability company or association,
 24 other than a hospital, which has, on or before July 1, 2003, (A) obtained
 25 a determination from the Commissioner of Health Care Access that a
 26 certificate of need is not required, and (B) commenced development of
 27 the outpatient surgical facility. Any entity, individual, firm,
 28 partnership, corporation, limited liability company or association that
 29 can provide evidence satisfactory to the Commissioner of Public
 30 Health of operating an outpatient surgical facility on or before July 1,
 31 2003, shall have until April 1, 2006, to obtain a license from the
 32 Department of Public Health pursuant to chapter 368v of the general
 33 statutes, and shall be permitted to operate through April 1, 2006,
 34 without such license. On or before April 1, 2004, the Department of
 35 Public Health shall adopt regulations, in accordance with the
 36 provisions of chapter 54 of the general statutes, to implement the
 37 licensing requirements of this subsection.

38 (c) The provisions of this section shall not apply to persons licensed
 39 to practice dentistry or dental medicine pursuant to chapter 379 of the
 40 general statutes.

41 (d) Any outpatient surgical facility that is accredited as provided in
 42 section 19a-691 of the general statutes, shall continue to be subject to
 43 the requirements of said section 19a-691.

44 (e) The Commissioner of Health Care Access shall adopt
 45 regulations, in accordance with the provisions of chapter 54 of the
 46 general statutes, to implement the provisions of this section, including
 47 the standards that will be used to determine approval of certificate of
 48 need applications.

49 Sec. 2. Subsection (a) of section 19a-490 of the general statutes is
 50 repealed and the following is substituted in lieu thereof (*Effective July*
 51 *1, 2003*):

52 (a) "Institution" means a hospital, residential care home, health care
 53 facility for the handicapped, nursing home, rest home, home health

54 care agency, homemaker-home health aide agency, mental health
55 facility, substance abuse treatment facility, outpatient surgical facility,
56 an infirmary operated by an educational institution for the care of
57 students enrolled in, and faculty and employees of, such institution; a
58 facility engaged in providing services for the prevention, diagnosis,
59 treatment or care of human health conditions, including facilities
60 operated and maintained by any state agency, except facilities for the
61 care or treatment of mentally ill persons or persons with substance
62 abuse problems; and a residential facility for the mentally retarded
63 licensed pursuant to section 17a-227 and certified to participate in the
64 Title XIX Medicaid program as an intermediate care facility for the
65 mentally retarded.

66 Sec. 3. Section 19a-495 of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective July 1, 2003*):

68 (a) The Department of Public Health shall, after consultation with
69 the appropriate public and voluntary hospital planning agencies,
70 establish classifications of institutions. The department shall, in the
71 Public Health Code, adopt, amend, promulgate and enforce such
72 regulations based upon reasonable standards of health, safety and
73 comfort of patients and demonstrable need for such institutions, with
74 respect to each classification of institutions to be licensed under
75 sections 19a-490 to 19a-503, inclusive, including their special facilities,
76 as will further the accomplishment of the purposes of said sections in
77 promoting safe, humane and adequate care and treatment of
78 individuals in institutions. The department shall adopt such
79 regulations, in accordance with chapter 54, concerning home health
80 care agencies and homemaker-home health aide agencies.

81 (b) The Department of Public Health, with the advice of the
82 Department of Mental Health and Addiction Services, shall include in
83 the regulations adopted pursuant to subsection (a) of this section,
84 additional standards for community residences, as defined in section
85 19a-507a, which shall include, but not be limited to, standards for: (1)
86 Safety, maintenance and administration; (2) protection of human

87 rights; (3) staffing requirements; (4) administration of medication; (5)
88 program goals and objectives; (6) services to be offered; and (7)
89 population to be served.

90 (c) The commissioner may waive any provisions of the regulations
91 affecting the physical plant requirements of residential care homes if
92 the commissioner determines that such waiver would not endanger
93 the health, safety or welfare of any resident. The commissioner may
94 impose conditions, upon granting the waiver, that assure the health,
95 safety and welfare of residents, and may revoke the waiver upon a
96 finding that the health, safety or welfare of any resident has been
97 jeopardized. The commissioner shall not grant a waiver that would
98 result in a violation of the State Fire Safety Code or State Building
99 Code. The commissioner may adopt regulations, in accordance with
100 chapter 54, establishing procedures for an application for a waiver
101 pursuant to this subsection.

102 (d) The commissioner may include in the regulations adopted
103 pursuant to subsection (a) of this section, additional standards for
104 outpatient surgical facilities, as defined in section 1 of this act.

This act shall take effect as follows:	
Section 1	July 1, 2003
Sec. 2	July 1, 2003
Sec. 3	July 1, 2003

PH Joint Favorable Subst.

APP Joint Favorable

FIN Joint Favorable